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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/007,198 | 10/19/2001 | Noriko Sugimoto | B422-170 | 3545 |

26272 7590 06/06/2006

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| EXAMINER |
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BOYCE, ANDRE D

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| ART UNIT | PAPER NUMBER |
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3623

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,198

Applicant(s)

SUGIMOTO, NORIKO

Examiner

Andre Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Final office action is in response to Applicant's amendment filed March 9, 2006. Claims 1, 8 and 9 have been amended. Claim 10 has been canceled.
2. The previously pending rejections to claims 1-10 under 35 U.S.C. 112, second paragraph have been withdrawn.

Response to Arguments

3. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection, necessitated by Applicant's amendments to the claims.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

5. Claims 1-3 and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett et al (USPN 5,678,002), in view of in view of Phung et al (US 2002/0007237).

As per claim 1, Fawcett et al disclose a trouble management system for managing a trouble in a product (i.e., product support center, including product

support services (PSS) client/server messaging system, column 3, lines 60-62), comprising: first determination means for determining whether or not a computer device connected to the product has an automatic diagnosis function; recording means for recording progress of an operation for solving the trouble determined (i.e., data sent to diagnostic interpreter is displayed/recorded on PSS side, column 9, lines 32-34, wherein the diagnostic application actions completed are logged, column 11, lines 20-23); reading means for reading out the progress of the operation from the recording means; converting means for converting the progress of the operation read out by said reading means into a format suitable for the computer device (i.e., diagnostic interpreters 48, figure 3); and notice means for sending to the computer device a notice of the progress of the operation recorded by said recording means (i.e., diagnostic actions completed on the customer's computer are documented in a transaction log, column 11, lines 20-23). Fawcett et al does not explicitly disclose transmitting means for transmitting inquiry information to the computer device, in a case where the first determination means determines that the computer device has no automatic diagnosis function; receiving means for receiving reply information for the inquiry information from the computer device; second determination means for determining whether or not the product has a trouble, on the basis of the reply information received by said receiving means. Phung et al disclose an interactive diagnostic system for vehicles (§ 0032), wherein the vehicle interface communicates with the client system 20, which

communicates with server 215 in order to transmit problems and receive diagnostic information (figure 2A-2B and ¶ 0035-0037). Further, Phung et al discloses a smart diagnostic database 270 and a local repair case database 260 for determining the type of problem the vehicle is having and determining a possible solution (¶ 0035). Both Fawcett and Phung are concerned with conducting product diagnosis over an electronic network. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include transmitting means for transmitting inquiry information to the computer device, in a case where the first determination means determines that the computer device has no automatic diagnosis function; receiving means for receiving reply information for the inquiry information from the computer device; second determination means for determining whether or not the product has a trouble Fawcett et al, as seen in Phung et al, thus efficiently determining the cause and solution of a encountered problem, thereby making Fawcett et al more robust.

As per claim 2, Fawcett et al disclose analysis means for analyzing information about the trouble in the product (i.e., PSS 38 commands a remote diagnostic agent 50 on customer's computer 40 to execute a diagnostic application, column 10, lines 28-32); and search means for searching for the operation for resolving the trouble in the product on the basis of the result of said analysis (i.e., automatically sniff around customer's computer in order to gather diagnostic data and help troubleshoot, column 10, lines 44-47).

As per claim 3, Fawcett et al disclose analysis by said analysis means is performed on the side of a user using the product (i.e., PSS 38 commands a remote diagnostic agent 50 on customer's computer 40 to execute a diagnostic application, column 10, lines 28-32).

As per claim 5, Fawcett et al does not disclose management means for managing a guarantee period of the product, wherein said cost depends on the managed guarantee period. Phung et al discloses the product manufacturer absorbing all the costs related to troubleshooting and resolving failures covered by a warranty (§ 0005). Both Fawcett and Phung are concerned with conducting product diagnosis over an electronic network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include managing a guarantee period of the product (i.e., warranty), wherein said cost depends on the warranty in Fawcett, as seen in Phung, thereby determining when the customer does not have to incur diagnostic and troubleshooting costs, as seen in Phung. As a result, the customer service in Fawcett et al is improved, since the cost to the customer may be reduced.

As per claim 6, Fawcett et al disclose management means for managing information about specifications of the product (i.e., device manager diagnostic allows PSS engineer to retrieve the properties and characteristics of all hardware devices attached to computer, column 12, lines 48-50), wherein analysis by said analysis means depends on the managed information about

the specifications (i.e., query a list of available devices and invoke device diagnostics, column 10, lines 35-36).

As per claim 7, Fawcett et al disclose storage means for storing contents of the operation actually performed to resolve the trouble in the product or results of the operation (i.e., the diagnostic interpreter remains in memory on the PSS side, column 11, lines 20-23 and 28-31).

Claim 8 is rejected based upon the same rationale as the rejection of claim 1, since it is the method claim corresponding to the system claim.

Claim 9 is rejected based upon the same rationale as the rejection of claim 1, since it is the storage medium claim corresponding to the system claim.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett et al (USPN 5,678,002), in view of Skaaning et al (USPN 6,535,865).

As per claim 4, Fawcett et al does not explicitly disclose said notice means sends a notice of a cost or a time required for the operation. Skaaning et al disclose estimating the cost of actions as a combination of multiple factors, including time to perform the action (column 21, lines 1-5). Both Fawcett and Skaaning are concerned with effective troubleshooting via a customer computer, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include sending notice of a cost in Fawcett, as seen in Skaaning, in order to determine which is the optimal step

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to perform (see Skaaning, column 21, lines 1-3), thus improving the efficiency in Fawcett.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

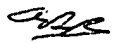
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number

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for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


adb
May 30, 2006


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER